The Hon'ble Sri Justice D.S.R.Varma

Writ Petition No.29043 of 1998

Dated:05th July,2006

Between:

1. I.Haribabu and two others.

..Petitioners

and

1.General Manager (N), Hyderabad Telecommunications, Secunderabad and another.

..Respondents

The Hon'ble Sri Justice D.S.R.Varma

Writ Petition No. 29043 of 1998

Oral Order:-

Petitioners seek a Writ of Mandamus to declare the action of the respondents in demanding security deposit on Telephone Nos. 7113554, 7110387 and 7110464, vide Lr.No.AO-TR-I(N)/CD-SD/98-99, dated 25.9.1998, issued by the 2nd respondent, as illegal and arbitrary and consequently direct the respondents to withdraw the orders issued through the aforesaid letter, dated 25.9.1998, with all consequential benefits.

Petitioners appear to have issued cheques for payment of their respective telephone bills and those cheques were not honoured by the bank due to lack of funds in the accounts of the petitioners. Petitioners appear to have paid the amounts due under those bills subsequently. Later, the respondents directed the petitioners by the impugned communication to make security deposits in respect of their telephones and informed the petitioners that in case of default in making security deposits their respective telephones would be disconnected. According to the petitioners they made a representation to the respondents on 8.10.1998 narrating the circumstances under which the cheques issued by them were dishonoured. However, the respondents have disconnected telephone No.7110387 of the 2nd petitioner's office. While allowing only incoming calls, the respondents have disconnected the outgoing facility to telephone No.7110464 of the 3rd petitioner. Alleging that the respondents are likely to disconnect telephone No.7113554 of the 1st petitioner also, petitioners filed this writ petition for the reliefs mentioned supra.

On 21.10.1998, while admitting this writ petition, this Court granted interim orders directing the respondents to restore the telephones of petitioners 2 and 3 and not to disconnect the telephone of the 1st petitioner. Now, this writ petition has come up for final hearing.

On behalf of the respondents a detailed counter-affidavit has been filed controverting the averments made by the petitioners in the affidavit filed in support of the writ petition.

As could be seen from the counter-affidavit of the respondents, no discrimination is meted out to the petitioners. In this case also, the respondents have adopted the usual practice of insisting upon the subscribers, whose cheques issued for payment of telephone bills are dishonoured, to make security deposit for the sum equivalent to their highest telephone bill as per Rule 445 of the Indian Telegraph Rules, in public interest, and also to safeguard the interests of the Telecommunications Department.

Having regard to the facts and circumstances, and the averments made by the respondents in the counter-affidavit, I do not find any illegality in the impugned orders. This writ petition is devoid of any merit and the same is liable to be dismissed.

In the result, this writ petition is dismissed. The interim orders granted by this Court earlier shall automatically stand vacated. No costs.

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D.S.R.VARMA, J

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